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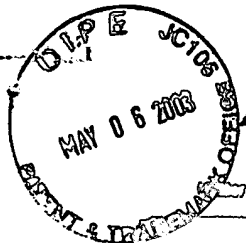
RCE/3632  
#16

09/775,528/  
February 1, 2001  
Nick Donofrio Jr  
3632  
Naschica Morrison

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Patent (1-42)  
U.S. Patent and Trademark Office, U.S. Department of Commerce  
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**Notice:**

An RCE is not a new application, and filing an RCE will not result in an application being assigned a new filing date.

The RCE must be filed on or after June 8, 2003. The application cannot be a continuation-in-part of a patent, a continuation of a patent, or a patent under 37 C.F.R. 1.104(a).

The RCE must be filed before the application is closed. If the application is under appeal, or the Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the patent (e.g., an Office action under the prior art), the RCE must be filed under 37 C.F.R. 1.104(a).

A submission must be made in response to the RCE to show that the RCE is not a reply to an Office action under 33 U.S.C. 412. If the submission is not made, the application is under final rejection. The submission must meet the reply requirements of 37 C.F.R. 1.101. If there is no continuing Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 C.F.R. 1.104 (3). The submission may be a preliminary and final submission (e.g., an amendment and final reply).

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**Notice:**

A RCE filing requirement must be met before suspension of action is granted. A request for a suspension of action under 37 C.F.R. 1.104(a) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

**Before Appeal** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission of the fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. The additional time will be given to correct the improper RCE.

**Under Appeal** - If the RCE is improper (e.g., the submission of the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the dismissal or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claims. See MPEP 121.101.

See MPEP 121.101 for further information on the RCE procedure.

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